

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**AIR QUALITY PERMIT**  
**Issued under 401 KAR 52:020**

**Permittee Name:** INOAC Packaging Group  
**Mailing Address:** 901 Nutter Drive  
Bardstown, KY 40004

**Source Name:** INOAC Packaging Group  
**Mailing Address:** 901 Nutter Drive  
Bardstown, KY 40004

**Source Location:** 901 Nutter Drive, Bardstown, KY 40004

**Permit Number:** V-00-005 (Revision 1)  
**Original Log #:** G410  
**Revision Log#:** 54386  
**Review Type:** Operating  
**Source ID:** 21-179-00040

**Regional Office:** Frankfort  
**County:** Nelson

**Application**  
**Complete Date** April 5, 2002  
**Original Complete**  
**Date:** January 5, 2000  
**Issuance Date:** November 15, 2000  
**Revision Issuance:** July 8, 2003  
**Expiration Date:** November 15, 2005

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**John Lyons, Director**  
**Division for Air Quality**

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<b>Rev #</b>	<b>Permit type</b>	<b>Log #</b>	<b>Complete Date</b>	<b>Issuance Date</b>	<b>Summary of Action</b>
<b>----</b>	<b>Initial Issuance</b>	<b>G410</b>	<b>1/5/00</b>	<b>11/15/00</b>	<b>Title V for HAPs with limitations &amp; Title V for VOC without any cap</b>
<b>1</b>	<b>Significant revision</b>	<b>54386</b>	<b>4/5/02</b>	<b>7/8/03</b>	<b>Adding six mini-frosters</b>

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 52:020, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **EMISSION POINT DESCRIPTION**

#### **(EP# 06)**

Unit: Mini-Froster (4 each; I.D. #'s: 1, 2, 3,4)

Control: Cartridge Filter 97% efficiency

Capacity: 0.4383 gal/hr (each) coating, 0.5 gal/hr (each) cleanup

Construction Commenced date: November, 2000

### **APPLICABLE REGULATIONS:**

#### **Regulation 401 KAR 59:010, New process operations**

The provisions of this regulation shall apply to each affected facility or source, associated with a process operation, which is not subject to another emission standard with respect to particulate in this chapter, commenced on or after July 2, 1975.

#### **1. Operating Limitations:**

Usage rate of paints, coatings, and clean up solvents containing VOCs and HAPs shall be restricted so as not to exceed limitations in Section B (2).

#### **2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:010, New Process Operations, Section 3(2):  
PM emissions shall not exceed 2.34 lbs/hr from each mini-froster.
- b. Pursuant to Regulation 401 KAR 59:010, New Process Operations, Section 3(1):  
Visible emissions shall not equal or exceed 20% opacity.
- c. See Section D.

#### **Compliance Demonstration Method:**

The following formulas or equivalent may be used in calculating PM, VOC and HAP emissions from the mini-frosters:

PM emitted (lbs) = gallons of coating used x density of coating x % (wt) solids x % over spray x (1-0.97)

The efficiency of the control device will be 97% unless a different efficiency is determined from testing

#### **3. Testing Requirements: None**

#### **4. Specific Monitoring Requirements:**

- a. Visual emissions observations from the mini-frosters shall be made weekly.
- b. In addition, once per calendar quarter, EPA Reference Method 9 or equivalent reading shall be performed.
- c. See Section 5 of this part, Specific Recordkeeping Requirements.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Recordkeeping Requirements:**

- a. A log shall be kept of all emission observations. Notification in the weekly log shall be made of, but not limited to the following:
  - (1) Whether any air emissions (except for water vapor) were visible from the plant.
  - (2) Whether the visible emissions were normal for the process.
  - (3) Whether the emissions were light or heavy.
  - (4) The cause of any abnormal emissions, and any corrective actions taken.
- b. The permittee shall keep calendar month records of the usage of all VOC and HAP containing materials. At the end of each month, VOC and HAP emissions shall be calculated and recorded. These records shall be summarized and tons per month VOC and HAP emissions calculated and recorded. Tons of VOC and HAP per 12 months shall also be recorded. The recorded tons per 12 months shall be a 12 month rolling total representing the most recent year. In addition, those records shall show compliance with VOC and HAP emission limitations listed in this permit.

These records, as well as purchase orders and invoices for all VOC and HAP containing materials, shall be made available for inspection upon request by duly authorized representatives of the Division for Air Quality.

**6. Specific Reporting Requirements:**

Semi-annual reports shall be sent to the Division's Frankfort Regional Office showing the monthly and 12 month rolling total VOC and HAP emissions as required in No. 5 of this section. See Section F(5).

**7. Specific Control Equipment Operating Conditions:**

Exhaust filters shall be in place at all times when the mini-frosters are operating and shall be changed as often as needed to comply with the emission limitations.

**8. Alternate Operating Scenarios:**

None

**9. Compliance Schedule:**

None

**10. Compliance Certification Requirements:**

See Section F(9).

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**EMISSION POINT DESCRIPTION**

**(EP# 07)**

Mini-Froster  
Control: Cartridge Filter 97% efficiency  
Capacity: 0.4383 gal/hr coating  
Construction Commenced date: April 2002

**(EP# 08)**

Mini-Froster  
Control: Cartridge Filter 97% efficiency  
Capacity: 0.4383 gal/hr coating  
Construction Commenced date: April 2002

**(EP# 09)**

Mini-Froster  
Control: Cartridge Filter 97% efficiency  
Capacity: 0.4383 gal/hr coating  
Construction Commenced date: Projected in 2004

**(EP# 10)**

Mini-Froster  
Control: Cartridge Filter 97% efficiency  
Capacity: 0.4383 gal/hr coating  
Construction Commenced date: Projected in 2004

**(EP# 11)**

Mini-Froster  
Control: Cartridge Filter 97% efficiency  
Capacity: 0.4383 gal/hr coating  
Construction Commenced date: Projected in 2006

**(EP# 12)**

Mini-Froster  
Control: Cartridge Filter 97% efficiency  
Capacity: 0.4383 gal/hr coating  
Construction Commenced date: Projected in 2006

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **APPLICABLE REGULATIONS:**

#### **Regulation 401 KAR 59:010, New process operations**

The provisions of this regulation shall apply to each affected facility or source, associated with a process operation, which is not subject to another emission standard with respect to particulate in this chapter, commenced on or after July 2, 1975.

#### **1. Operating Limitations:**

Usage rate of paints, coatings, and clean up solvents containing VOCs and HAPs shall be restricted so as not to exceed limitations in Section B (2).

#### **2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:010, New Process Operations, Section 3(2):  
PM emissions shall not exceed 2.34 lbs/hr from each mini-froster.
- b. Pursuant to Regulation 401 KAR 59:010, New Process Operations, Section 3(1):  
Visible emissions shall not equal or exceed 20% opacity.
- c. See Section D

#### **Compliance Demonstration Method:**

The following formulas or equivalent may be used in calculating PM and HAP emissions from the mini-frosters:

PM emitted (lbs) = gallons of coating used x density of coating x % (wt.) solids x % over spray x (1-0.97)

The efficiency of the control device will be 97% unless a different efficiency is determined from testing

#### **3. Testing Requirements: None**

#### **4. Specific Monitoring Requirements:**

- a. Visual emissions observations from the mini-frosters shall be made weekly.
- b. In addition, once per calendar quarter, EPA Reference Method 9 or equivalent reading shall be performed.
- c. See Section 5 of this part, Specific Recordkeeping Requirements.

#### **5. Specific Recordkeeping Requirements:**

- a. A log shall be kept of all emission observations. Notification in the weekly log shall be made of, but not limited to the following:
  - (1) Whether any air emissions (except for water vapor) were visible from the plant.
  - (2) Whether the visible emissions were normal for the process.
  - (3) Whether the emissions were light or heavy.
  - (4) The cause of any abnormal emissions, and any corrective actions taken.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- b. The permittee shall keep calendar month records of the usage of all VOC and HAP containing materials. At the end of each month, VOC and HAP emissions shall be calculated and recorded. These records shall be summarized and tons per month VOC and HAP emissions calculated and recorded. Tons of VOC and HAP per 12 months shall also be recorded. The recorded tons per 12 months shall be a 12-month rolling total representing the most recent year. In addition, those records shall show compliance with VOC and HAP emission limitations listed in this permit. These records, as well as purchase orders and invoices for all VOC and HAP containing materials, shall be made available for inspection upon request by duly authorized representatives of the Division for Air Quality.
6. **Specific Reporting Requirements:**  
Semi-annual reports shall be sent to the Division's Frankfort Regional Office showing the monthly and 12 month rolling total VOC and HAP emissions as required in No. 5 of this section. See Section F (5).
7. **Specific Control Equipment Operating Conditions:**  
Exhaust filters shall be in place at all times when the mini-frosters are operating and shall be changed as often as needed to comply with the emission limitations.
8. **Alternate Operating Scenarios:**      None
9. **Compliance Schedule:**              None
10. **Compliance Certification Requirements:**      See Section F(9).



**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Molding Operations (24)	401 KAR 59:010
2. Silkscreen Printing (11)	NA
3. Paint Mixing Area	NA
4. Boiler (1) 0.45 mmBTU/hr	NA
5. Cooling Tower	NA
6. Grinder Operations	401 KAR 59:010
7. Photographic Developing	NA
8. Plastic Material Handling	401 KAR 59:010

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. HAPs emissions for EP# 6 (ID #s 1,2,3 and 4) shall not exceed 9.5 tons/yr single and 22.5 tons/yr combination based on a 12-month rolling total.

**Compliance Demonstration Method:**

HAP emitted (lbs/month) = gallons of coating used per month x HAP content of coating (lbs/gal)

2. HAPs emissions for EP# 7 through 12 shall not exceed 9.0 tons/yr single and 22.5 tons/yr combination based on a 12-month rolling total.

**Compliance Demonstration Method:**

HAP emitted (lbs/month) = gallons of coating used per month x HAP content of coating (lbs/gal)

3. Plant wide volatile organic compound (VOC) emissions shall be less than 90 tons per rolling 12 months period.

**Compliance Demonstration Method:**

VOC emitted (lbs/month) = gallons of coating used per month x VOC content of coating (lbs/gal)

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V )1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within **30 days**. Other deviations from permit requirements shall **be included in the semiannual report required by Section F.6** [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601

U.S. EPA Region 4  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING  
REQUIREMENTS (CONTINUED)**

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

## SECTION G - GENERAL PROVISIONS

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.



## SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
- (a) Applicable requirements that are included and specifically identified in the permit and
  - (b) Non-applicable requirements expressly identified in this permit.

(b) Permit Expiration and Reapplication Requirements

- 1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- 2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:02+0 Section 8(2)].

(c) Permit Revisions

- 1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- 2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission points 7 through 12 in accordance with the terms and conditions of this permit. The emission points shall be constructed in phases as follows:

Emission Point #7 and #8 in the year 2002

Emission Point #9 and #10 in the year 2004

Emission Point #11 and #12 in the year 2006

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

1. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
  2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
    - a. The date when construction commenced.
    - b. The date of start-up of the affected facilities listed in this permit.
    - c. The date when the maximum production rate specified in the permit application was achieved.
  3. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
  4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
  5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements.
  6. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.
- (e) Acid Rain Program Requirements
1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

## SECTION G - GENERAL PROVISIONS (CONTINUED)

### (f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

### (g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 3346  
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

### (h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.

## SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

None

**SECTION I - COMPLIANCE SCHEDULE**

None